

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Amanda Harouche	Team: Team # 1	CCRB Case #: 201303311	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/09/2013 9:00 PM	Location of Incident: East 241st Street and Carpenter Avenue	Precinct: 47	18 Mo. SOL 10/9/2014	EO SOL 10/9/2014	
Date/Time CV Reported Wed, 04/17/2013 4:59 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Wed, 04/17/2013 4:59 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Beddows	30576	926556	047 PCT
2. POM Juan Rodriguez	16076	939343	047 PCT
3. POM Robert Roda	01234	939332	047 PCT
4. POM Kevin Mockel	21947	947261	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Juan Rodriguez	Discourtesy: PO Juan Rodriguez spoke discourteously to § 87(2)(b)	
B.POM Robert Roda	Abuse: PO Robert Roda searched the car in which § 87(2)(b) was an occupant.	
C.POM Kevin Mockel	Abuse: PO Kevin Mockel searched the car in which § 87(2)(b) was an occupant.	
D.POM Daniel Beddows	Abuse: PO Daniel Beddows searched the car in which § 87(2)(b) was an occupant.	

Case Summary

On April 17, 2013, § 87(2)(b) filed the following complaint with the Civilian Complaint Review Board (CCRB) on behalf of himself, in person at the CCRB.

On April 9, 2013, at approximately 9:00 p.m., § 87(2)(b) was stopped in his vehicle and subsequently arrested by PO Daniel Beddows of the 47th Precinct at East 241st Street and Carpenter Avenue in the Bronx. The following allegations stemmed from this incident:

- **Allegation A: Discourtesy – PO Juan Rodriguez spoke discourteously to** § 87(2)(b)
§ 87(2)(g)
- **Allegation B: PO Robert Roda searched the car in which** § 87(2)(b) **was an occupant.**
- **Allegation C: PO Kevin Mockel searched the car in which** § 87(2)(b) **was an occupant.**
- **Allegation D: Abuse of Authority – PO Daniel Beddows searched the car in which** § 87(2)(b) **was an occupant.**
§ 87(2)(g)

This case was originally assigned to Investigator Jonathan Hutchinson. Following Investigator Hutchinson's departure from the agency, the case was reassigned to the undersigned investigator on August 13, 2013.

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) *is a § 87(2)(b)-old Hispanic male, standing 5'6", weighing 135 pounds, with black hair and brown eyes.* § 87(2)(b)

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on April 17, 2013 (encl. 8a-d). His statement was consistent with the original complaint he noted on the walk in form on April 17, 2012, with any exceptions noted. On April 9, 2013, at approximately 8:30 p.m., § 87(2)(b) was driving his vehicle, a black 2002 Cadillac Deville DTS with New York State license plate number § 87(2)(b), with his friend, § 87(2)(b) sitting in the front passenger seat. § 87(2)(b) stated that he bought his vehicle with four legally-tinted passenger windows and estimated the tints at 35%. § 87(2)(b) had just dropped his wife off at their residence, § 87(2)(b) in the Bronx, and was driving § 87(2)(b) to his place of employment. § 87(2)(b)'s wife had gone inside the building by the time that he interacted with police officers and did not

witness the incident. § 87(2)(b) had not had anything to drink and had not smoked anything prior to the incident.

§ 87(2)(b) drove § 87(2)(b) away from his residence and was pulled over by an unmarked police vehicle, which he described as a black Ford Focus sedan, containing four officers on Carpenter Avenue between East 241st Street and East 242nd Street. § 87(2)(b) described the driver of the police vehicle as a Hispanic male officer in his late-20's or early-30's, standing approximately 5'8", weighing approximately 160 pounds, with a medium build, short black hair with a bald spot in the middle, a shadow of facial hair, dressed in uniform with the name "Rodriguez" on his nameplate. This officer was identified by the investigation as PO Juan Rodriguez. § 87(2)(b) described the officer sitting in the front passenger seat of the police vehicle, identified by the investigation as PO Daniel Beddows, as a Caucasian or Hispanic male officer in his 30's, standing approximately 5'6", weighing approximately 150 pounds, with a medium build, long, shoulder-length black hair, and dressed in uniform. § 87(2)(b) described the officer sitting in the rear driver-side seat of the police vehicle, as a Caucasian male officer in his late-20's or early-30's, standing approximately 5'5", with short blond hair and dressed in uniform. This officer was identified by the investigation as PO Kevin Mockel. He described PO Robert Roda, who was identified by the investigation, as a male officer and stated that he was sitting in the rear passenger-side seat of the police vehicle.

PO Rodriguez approached § 87(2)(b)'s window and asked him for his license and registration. § 87(2)(b) handed PO Rodriguez his driver's license and registration and asked him why he had been pulled over. PO Rodriguez told him that one of his taillights was out. § 87(2)(b) acknowledged that his taillight was out and told PO Rodriguez that he was on his way to have his taillight repaired. PO Rodriguez walked back to his vehicle, returned to § 87(2)(b)'s window, and asked him if he had anything illegal in his vehicle. § 87(2)(b) said, "No," and PO Rodriguez said, "So you don't mind if we search your car?" § 87(2)(b) said, "Actually, I do."

PO Rodriguez reached out and opened his door, which was unlocked. § 87(2)(b) pulled the door closed and PO Rodriguez opened it again, and pulled § 87(2)(b) out of the vehicle, by his shirt. PO Rodriguez did not issue § 87(2)(b) any instructions prior to pulling him out. Meanwhile, PO Beddows, who was standing on the passenger-side of the vehicle, opened the front passenger-side door and pulled § 87(2)(b) out.

PO Rodriguez said, "Sit the fuck on the bumper," and § 87(2)(b) initially refused. PO Rodriguez said, "Stop fucking with me," and told him to sit on the bumper. § 87(2)(b) sat on the rear fender of his vehicle with § 87(2)(b) while PO Beddows, PO Mockel, and PO Roda searched his vehicle. In his walk in form, § 87(2)(b) stated only two officers searched his car but did not specify which ones. § 87(2)(b) was unable to see the specific areas each of the officers searched, since he was facing backwards by the rear fender of the vehicle, but confirmed that all three officers participated in searching inside his vehicle. § 87(2)(b) stated that officers entered all four doors of the vehicle, lifted the rear seat forward (since the vehicle has a storage area for a battery under the rear seats), and scattered items that were stored in the glove box and center console on the floor of the vehicle.

§ 87(2)(b) told PO Rodriguez that he had no right to search his vehicle and PO Rodriguez said, "You have the right to remain silent." PO Rodriguez placed § 87(2)(b) in handcuffs and told him that officers had found a "blade" in the vehicle. § 87(2)(b) stated that PO

Beddows told PO Rodriguez that he had found a blade in the vehicle. § 87(2)(b) acknowledged that he had a box cutter that he used for work in the door of the driver-side door, but stated that the box cutter was not removed from the door during the incident and was where he had left it when his wife retrieved the vehicle.

Two additional police vehicles, a marked patrol car containing two officers, PO1 and PO2, and a marked police van containing three officers, PO3, PO4, and PO5, responded to the location after § 87(2)(b) was placed in handcuffs. § 87(2)(b) and § 87(2)(b) were transported to a precinct stationhouse in the rear of the police van. § 87(2)(b) described PO5 as a Caucasian male officer dressed in a royal blue NYPD t-shirt, with the graphic of a shield on the sleeve. He described PO6 as a Caucasian male officer with grey hair. § 87(2)(b) described the driver of the police van, PO7, as a Caucasian male officer, described PO8 as a Caucasian male officer, and described PO9 as a Hispanic male officer.

At Bronx Central Booking, § 87(2)(b) and § 87(2)(b) were charged with § 87(2)(a) 160.50. § 87(2)(b) denied that he was in possession of marijuana at the time of the incident and denied that he had marijuana in his vehicle. § 87(2)(b) was also found to have two open warrants.

Attempts to Contact Civilians

§ 87(2)(b) was contacted on May 1, 2013 to provide a formal statement but missed his scheduled appointment at the CCRB on May 6, 2013. A missed appointment letter was sent to him on May 7, 2013 and two calls were placed to him on May 10, 2013 and May 14, 2013. § 87(2)(b) did not contact the CCRB to reschedule his interview and no phone statement was ever obtained from him.

NYPD Statements:

Subject Officer: PO DANIEL BEDDOWS

- *PO Daniel Beddows is a § 87(2)(b)-old white male officer, standing 5'10", weighing 195 pounds, with brown hair and blue eyes.*
- *On April 9, 2013, PO Beddows worked from 6:00 p.m. to 2:35 a.m. on the following day and was assigned to the robbery auto within the confines of the 47th Precinct with PO Rodriguez and PO Roda. PO Beddows was dressed in uniform and was assigned to an unmarked black Chevy Impala; PO Beddows was sitting in the front passenger seat of the vehicle, PO Rodriguez was driving, and PO Roda was sitting in one of the rear seats.*

Memo Book

PO Beddows' memo book noted that, at 9:00 p.m. on April 9, 2013, he conducted a vehicle stop at the corner of East 241st Street and Carpenter Avenue in the Bronx for a brake light violation. At 9:05 p.m., two individuals, § 87(2)(b) and § 87(2)(b) were arrested for § 87(2)(a) 160.50 after objects were observed in plain view inside the vehicle. At 9:08 p.m., the individuals were transported to the 47th Precinct stationhouse (encl. 9a-c).

§ 87(2)(b) **OLBS Arrest and Complaint Report #§ 87(2)(b)**

The OLBS report lists the charges against § 87(2)(b) as § 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

The OLBS complaint against § 87(2)(b) is classified as § 87(2)(a) 160.50. The narrative of the incident is identical to that listed in the OLBS arrest report (encl. 9f-g).

Property Vouchers

The controlled substance property voucher prepared by Officer Beddows show that one clear plastic bag of marijuana in the vegetative form that was field tested positive and eight clear plastic bags of alleged marijuana in the vegetative form were vouchered as arrest evidence. The general property voucher prepared by Officer Beddows show that one Paragon chrome/stainless steel dagger with a brown handle and one brown Paragon holster for the dagger was vouchered as arrest evidence (encl. 9h-k).

§ 87(2)(b) **Criminal Court Complaint**

The criminal court complaint against § 87(2)(b) signed by Officer Beddows on April 10, 2013, lists § 87(2)(b)'s charges as § 87(2)(a) 160.50

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

CCRB Statement

PO Beddows was interviewed at the CCRB on May 7, 2013(encl. 9n-p). PO Beddows, PO Roda, and PO Rodriguez were patrolling within the confines of the 47th Precinct when PO Rodriguez observed a vehicle, later identified as that driven by § 87(2)(b) stopped at a red light with a defective brake light on the rear passenger-side of the vehicle. PO Beddows also observed the violation. PO Rodriguez activated the police vehicle's lights and sirens and pulled § 87(2)(b) over while traveling southbound on Carpenter Avenue, at the intersection with East 241st Street. The officers had not observed the vehicle stopped nor had they seen the individuals outside of the vehicle prior to pulling them over.

All three officers stepped out of the vehicle. PO Rodriguez approached the driver of the car and PO Beddows approached the passenger, seated in the front passenger's seat. PO Beddows was holding a flashlight shining it on the passenger, § 87(2)(b) and driver, § 87(2)(b) of the car. PO Rodriguez told § 87(2)(b) to roll down all four windows of the vehicle so that the officers could see inside the car. Once the windows were down, PO Beddows was able to see inside the car. PO Beddows did not remember if he could see into the car prior to the windows being rolled down.

With the aid of his flashlight, PO Beddows was able to see a plastic bag, about the size of a softball, containing smaller plastic bags with a green leafy substance, in the center console cup holder while standing outside the vehicle. PO Beddows was also able to see a brown wooden

handle in a brown leather holster, later identified as a knife, placed between the driver's seat and the center console.

At some point, PO Rodriguez asked § 87(2)(b) for his driver's license, car insurance and car registration. PO Beddows did not remember if § 87(2)(b) was able to provide his insurance and registration but knows that he did provide his license.

Due to the plain sight observations, the civilians were asked to step out of the car. The civilians were not moving around inside the car. At first § 87(2)(b) was hesitant to step out of the car but was told he had to and eventually stepped out. PO Rodriguez frisked § 87(2)(b) and PO Beddows frisked § 87(2)(b) to ensure they were unarmed before they were placed in handcuffs. Observing the weapon in the car is what led the officers to frisk § 87(2)(b) and § 87(2)(b) their physical appearance and clothing did not lead the officers to think they were armed.

PO Rodriguez placed § 87(2)(b) in handcuffs and PO Beddows placed § 87(2)(b) in handcuffs. Then, both § 87(2)(b) and § 87(2)(b) were escorted to the back bumper of the vehicle to wait. While § 87(2)(b) and § 87(2)(b) were waiting on the back of the vehicle, PO Beddows did a search of the vehicle. Only PO Beddows broke the plane of the car, PO Roda and PO Rodriguez did not enter the car to search. PO Beddows recovered marijuana and a knife from the vehicle. PO Beddows conducted additional searches in the "reachable, grabable areas" and looked under and behind the seats. PO Beddows did not search the glove box or trunk of the vehicle at the scene.

PO Beddows did not remember any officer cursing at anyone during the incident. He did not remember any officer saying "sit the fuck on the bumper" nor "stop fucking with me."

At some point during the incident, an unspecified officer ran § 87(2)(b)'s and § 87(2)(b)'s ID and found that they both had active warrants.

A marked unit was called to transport § 87(2)(b) and § 87(2)(b) to the 47th Precinct stationhouse. A marked van, with two officers PO Beddows did not know, responded within a minute. PO Beddows rode in the back of the van with § 87(2)(b) and § 87(2)(b) to the 47th Precinct stationhouse.

PO Rodriguez or PO Roda drove § 87(2)(b)'s vehicle to the 47th Precinct stationhouse; PO Beddows did not know which officer it was. At the stationhouse PO Beddows conducted a full inventory search of § 87(2)(b)'s vehicle. PO Beddows opened the glove box during this search but the trunk of the vehicle was never searched.

Subject Officer: PO JUAN RODRIGUEZ

- *PO Juan Rodriguez is a § 87(2)(b)-old Hispanic male officer, standing 5'9", weighing 240 pounds, with black hair and black eyes.*
- *On April 9, 2013 PO Rodriguez worked from 6:00p.m. to 2:35a.m. on the following day and was dressed in uniform and assigned to Anti-Crime within the confines of the 47th Precinct with PO Beddows and PO Roda. PO Rodriguez was assigned to an unmarked black Chevy Impala, #§ 87(2)(b) PO Rodriguez was driving.*

Memo Book

PO Rodriguez's memo book states that at 9:00p.m. two individuals were arrested by PO Beddows at the corner of East 241st Street and Carpenter Avenue (encl. 10a-b).

CCRB Statement

PO Rodriguez was interviewed at the CCRB on June 20, 2013(encl. 10c-d). § 87(2)(g)

PO Rodriguez did not recall who first observed the traffic infraction was or what the specific traffic infraction was. The windows were down and PO Rodriguez smelled marijuana as soon as he approached the vehicle. PO Rodriguez did not recall if the front passenger's side window or any other windows in the vehicle were down at the time. PO Rodriguez did not see any smoke.

PO Rodriguez was able to see an object in between the two front seats sitting in plain view. When the driver stepped out of the car, PO Rodriguez noticed the object was marijuana. PO Rodriguez did not remember if it was a marijuana cigarette or a bag of marijuana. PO Rodriguez knew it was marijuana based off of the smell; he did not recall who conducted the field test.

Once § 87(2)(b) was asked to step out of the car, he started moving his hands and feet, breathing heavily and looking around. PO Rodriguez thought he looked like he was about to run so he focused his attention on him. There was nothing about his physical appearance except for his behavior that made PO Rodriguez think the driver of the vehicle was under the influence. § 87(2)(b) was also asked to step out of the car but acted a lot calmer. PO Rodriguez performed a frisk of PO Rodriguez's waistband and a pat down of his outermost garments on the top and bottom half but did not feel any objects on him. PO Rodriguez did not place his hands in any pockets or under any clothing. PO Rodriguez thinks PO Beddows frisked § 87(2)(b) once he was asked to step out of the vehicle; PO Beddows did a pat down of § 87(2)(b)'s outermost garments. PO Rodriguez did not see if PO Beddows entered any pockets or garments of § 87(2)(b). PO Rodriguez did not recall if PO Roda frisked anyone.

The two vehicle occupants were brought to the back of their vehicle. PO Rodriguez watched § 87(2)(b) while PO Roda watched § 87(2)(b). PO Rodriguez did not remember if any officer was using profanity toward any of the vehicle occupants including "sit the fuck on the bumper" or "stop fucking with me." PO Rodriguez did not recall if individuals were asked for permission to search the vehicle.

PO Beddows entered the vehicle from the front passenger's side door. PO Rodriguez did not remember if any other doors of the vehicle were ever opened because he was mostly focused on watching the driver of the vehicle. PO Rodriguez did not see the glove box or trunk of the vehicle opened nor did he see PO Beddows do a thorough search of the vehicle. PO Rodriguez did not know where the dagger was found. PO Rodriguez did not conduct an investigation to discover who the marijuana and dagger belonged to since it was PO Beddows's arrest. § 87(2)(b) and § 87(2)(b) were placed under arrest after the recovery of the marijuana and dagger. PO Rodriguez did not recall if anyone had any open warrants.

PO Rodriguez did not know what happened to § 87(2)(b)'s vehicle after the incident. He did not recall if the vehicle was taken to the stationhouse or if anyone from the anticrime team drove it.

PO Rodriguez did not know if a ticket was issued for the moving violation.

Subject Officer: PO ROBERT RODA

- *PO Robert Roda is a § 87(2)(b)-old white male officer, standing 5'7", weighing 185 pounds, with brown hair and hazel eyes.*
- *On April 9, 2013 PO Roda worked from 6:00 p.m. to 2:35 a.m. on the following day and was assigned to robbery auto within the confines of the 47th Precinct with PO Juan Rodriguez, PO Daniel Beddows and PO Kevin Mockel. PO Roda was dressed in uniform and was assigned to an unmarked black Chevy Impala, #§ 87(2)(a) PO Roda was sitting in the back right passenger's side seat of the vehicle with PO Rodriguez driving.*

Memo Book

PO Roda's memo book noted that, at 9:00 p.m. on April 9, 2013, he conducted a vehicle stop at 241 and Carpenter Avenue. At 9:05 p.m., two individuals were arrested by PO Beddows for

§ 87(2)(a) 160.50 (encl. 11a-b).

CCRB Statement

PO Roda was interviewed at the CCRB on June 27, 2013 (encl. 11c-d). § 87(2)(g)

PO Roda, PO Beddows, PO Rodriguez and PO Mockel were on routine patrol within the confines of the 47th Precinct. PO Roda did not remember who saw the defective taillight first. PO Roda stood at the back of the vehicle. After a brief conversation with § 87(2)(b) and § 87(2)(b) PO Beddows and PO Rodriguez asked them to step out of the car. PO Roda remembered the vehicle occupants being complaint throughout the entire interaction and remembered them saying that they were either coming from or going to work.

The driver and passenger of the vehicle were brought to the back of the vehicle where they were watched by PO Roda, PO Mockel and PO Rodriguez. PO Beddows pulled out a bag of marijuana from inside the vehicle, then put it back in the vehicle and put both the vehicle occupants under arrest. PO Roda was told that initially PO Beddows and PO Rodriguez smelled marijuana then Beddows saw the marijuana on top of the center console of the vehicle. Once the occupants stepped out of the vehicle a dagger, which was inside the center console, was recovered as well. PO Roda did not pay much attention to what PO Beddows was doing because he was watching the vehicle occupants on the back of the vehicle. PO Roda was not aware of any officer using profanity at any point in the incident. Specifically, he did not hear an officer say "sit the fuck on the bumper" or "stop fucking with me."

The vehicle was brought back to the 47th Precinct stationhouse but PO Roda did not drive it back and did not recall which officer drove it back.

Subject Officer: PO KEVIN MOCKEL

- *PO Kevin Mockel is a § 87(2)(b)-old white male officer, standing 5'11", weighing 200 pounds, with brown hair and brown eyes.*
- *On April 9, 2013, PO Mockel worked from 6:00 p.m. to 2:35 a.m. on the following day and was assigned to the robbery auto within the confines of the 47th Precinct with PO Juan Rodriguez, PO Daniel Beddows and PO Robert Roda. PO Mockel was dressed in uniform and was assigned to an unmarked black Chevy Impala; PO Beddows was sitting in the back seat of the vehicle behind the driver's seat, PO Rodriguez was the operator and PO Beddows was the recorder.*

Memo Book

PO Mockel's memo book noted that, at 9:00 p.m. on April 9, 2013, he conducted a vehicle stop at East 241st and Carpenter Ave. At 9:05p.m., two individuals were arrested for § 87(2)(a) 160.50 (encl. 12a-c).

CCRB Statement

PO Mockel was interviewed at the CCRB on September 13, 2013 (encl. 12d-f). § 87(2)(g)

On April 9, 2013, PO Mockel and his partners conducted a lawful car stop after observing that a vehicle had tinted windows on all five windows of the vehicle. He later added that the vehicle might have also had a defective taillight. As all four officers exited the police vehicle they immediately smelled the odor of marijuana. PO Mockel knew it was marijuana based on his training and experience and he did not have a conversation with the other officers about what the smell was. PO Rodriguez approached the driver, PO Mockel stood by the rear of the vehicle on the driver's side, and PO Beddows and PO Roda approached the passenger's side. From where PO Mockel was standing, he did not hear any of the interaction between the passenger and the officers. After § 87(2)(b) and § 87(2)(b) were out of the vehicle, PO Rodriguez frisked § 87(2)(b) and PO Mockel did not recall who frisked § 87(2)(b)

PO Mockel did not remember any officer asking to search the car, but the car was searched. PO Mockel was standing at the back of the car and did not search the car, nor did he remember who searched the car or what areas were searched. PO Mockel did not remember how many doors were opened. PO Mockel did not remember if the glove box, center console or any other compartments were opened during the search. PO Mockel did not recall why the search was being conducted. He did not remember if a full search of the vehicle was conducted.

PO Mockel was watching the two passengers at the rear of the vehicle; they were not in handcuffs right away. PO Mockel did not remember who was standing at the back of the vehicle with him; he remembered at least one officer being next to him but he did remember how many were next to him. PO Rodriguez or PO Beddows, whoever searched the car, signaled for the vehicle occupants to be put under arrest. PO Mockel was not told why at the time but he later learned that they were put under arrest for drug possession and a weapon. PO Mockel did not remember where the drugs and weapon were found. PO Mockel could not see into the vehicle at any point because of the illegally tinted windows and his vantage point.

PO Mockel did not use any profanities towards § 87(2)(b) including, "Sit the fuck on the bumper" and "Stop fucking with me." PO Mockel did not hear or remember hearing any other officer using any profanities towards § 87(2)(b) either. PO Mockel did not run any of the vehicle occupant's IDs nor did he recall if they had any open warrants.

Arrest for Incident and Disposition

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Status of Civil Proceedings

- § 87(2)(b) had not filed a Notice of Claim with the City of New York as of November 7, 2013 (encl. 18o-p).

Civilian(s) Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]

Civilians CCRB History

- § 87(2)(b) has filed the following CCRB complaints (enc. 6):
 - § 87(2)(b) [REDACTED]

Subject Officers CCRB History

- Officer Beddows has been a member of the service for twelve years and there are no substantiated CCRB allegations against him (encl. 2a-b.)
- Officer Rodriguez has been a member of service for eight years and there are no substantiated CCRB allegations against him (encl. 3).
- Officer Roda has been a member of service for eight years and there is one substantiated CCRB allegation against him (encl. 4a-b).
- Officer Mockel has been a member of service for five years and there are two substantiated CCRB allegations against him (encl. 5a-b).

Conclusion

Identification of Subject Officer(s)

PO Beddows, PO Rodriguez, PO Roda and PO Mockel all admitted to interacting with § 87(2)(b) [REDACTED]

Allegations Not Pleaded

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]

Investigative Findings and Recommendations

Allegation A: Discourtesy – PO Juan Rodriguez spoke discourteously to § 87(2)(b)

[REDACTED]
PO Rodriguez disputed § 87(2)(b) [REDACTED]'s allegations that he said, “Sit the fuck on the bumper” and “Stop fucking with me.” PO Roda, PO Beddows and PO Mockel did not hear any officer use profanities towards § 87(2)(b) [REDACTED] either. § 87(2)(b) [REDACTED] did not cooperate with the investigation
§ 87(2)(g) [REDACTED]
[REDACTED]

§ 87(2)(g)

Allegation B: Abuse of Authority – PO Robert Roda searched the car in which § 87(2)(b) was an occupant.

Allegation C: Abuse of Authority – PO Kevin Mockel searched the car in which § 87(2)(b) was an occupant.

Allegation D: Abuse of Authority – PO Daniel Beddows searched the car in which § 87(2)(b) was an occupant.

It is undisputed that § 87(2)(b)'s vehicle was searched. § 87(2)(b) stated that all four doors of the vehicle were opened and that officers searched under the rear seat, inside the glove box and inside the center console. PO Beddows stated that with the aid of his flashlight he was able to see a plastic bag, about the size of a softball, with green leafy substance in the center console cup holder as well as a brown wooden handle in a brown leather holster between the driver's seat and the center console; subsequent to the plain view observations the civilians were asked to step out of the car and the car was searched by PO Beddows. PO Rodriguez observed marijuana sitting in plain view in-between the two front seats. PO Rodriguez observed PO Beddows enter the vehicle from the front passenger's side door but did not remember if any other doors or compartments were opened. PO Roda observed PO Beddows pull out a bag of marijuana from inside the vehicle and then place it back in. PO Roda was told that PO Beddows and PO Rodriguez smelled marijuana and then PO Beddows observed marijuana on top of the center console. PO Roda did not pay attention to the areas of the vehicle that were searched by PO Beddows. PO Mockel smelled the odor of marijuana when he exited the police vehicle. PO Mockel did not search the car nor did he remember who searched the car or what areas were searched. The criminal court complaint statement confirms the location of the marijuana to be in plain view inside the cup holder.

An officer is allowed to search a vehicle and any closed container for a reasonable time and reasonable extent without a warrant if there is reason to believe that the vehicle contains contents related to the crime for which the arrest is being made People v. Belton, 55 N.Y.2d 49 (1981) (encl.1a-k).

§ 87(2)(g)

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date